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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 07-00598- JF
12)
Plaintiff,)
13 v.) **STIPULATION TO CONTINUE**
) **SENTENCING HEARING TO**
14 EVERARDO VALENZUELA-RUIZ,) **OCTOBER 29, 2008**
)
15 Defendant.)
16 _____)

17 **STIPULATION**

18 Defendant and the government, through their respective counsel, hereby stipulate that,
19 subject to the court's approval, the sentencing hearing in the above-captioned matter, presently
20 scheduled for August 6, 2008, 2008 at 9:00 a.m., may be continued to October 29, 2008 at 9:00
21 a.m. The defendant, Mr. Valenzuela-Ruiz, on April 23, 2008, entered a guilty plea to one count
22 of violating Title 8, United States Code, §1326. Due to defense counsel's error, a referral for a
23 probation report was not filed with the probation department. Because there was no referral, the
24 probation department has not prepared a Presentence Report. The defendant wants the Court to
25 have all the information which would be made available though the preparation of a Presentence

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1 Report. Therefore, a continuance of the sentencing hearing to October 29, 2008, is requested.

2 On July 22, 2008, defense counsel spoke to United States Probation Officer Ben Flores,
3 who informed defense counsel that his office has no objection to the date so long as it was on or
4 after October 25, 2008.

5 Dated: July 22, 2008

6 /S/
MANUEL U. ARAUJO
Assistant Federal Public Defender

8 Dated: July 22, 2008

9 /S/
CHAD M. MANDELL,
Assistant United States Attorney